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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/027,615	10/19/2001	Sunil S. Kadam	NA01-20501	2990
28875	7590	12/08/2005	EXAMINER	
Zilka-Kotab, PC P.O. BOX 721120 SAN JOSE, CA 95172-1120			ABRISHAMKAR, KAVEH	
			ART UNIT	PAPER NUMBER
			2131	

DATE MAILED: 12/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/027,615	Applicant(s) KADAM ET AL.	
	Examiner Kaveh Abrishamkar	Art Unit 2131	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 September 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 2, 4-9, 12-16, 18-21, 23 and 25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-2, 4-9, 12-16, 18-21, 23, and 25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Response to Amendment***

1. This action is in response to the amendment filed on September 15, 2005. Claims 1-2,4-9, 12-16, 18-21, 23, and 25 are now pending in the application per the received amendment.

***Response to Arguments***

2. Applicant's arguments filed on September 15, 2005 have been fully considered but they are not persuasive for the following reasons:

Regarding currently amended claim 1, the applicant argues that the CPA, Yinger et al. (U.S. Patent No. 5,960,204) and Cheng et al. (U.S. Patent No. 6,151,643), do not disclose that the "plurality of sets of user credentials each include a user name and an associated password" and "wherein an error message is displayed if none of the plurality of sets of user credentials are associated with sufficient privileges to run the installation program from the software installation package." Yinger teaches that if a user is not authorized to install the software (lack of sufficient privileges), the server returns an error message (column 6 lines 17-23). Furthermore, the secondary reference Cheng discloses that the user credentials include a user ID (user name) and a password (column 7 lines 5-25). Therefore it is respectfully asserted that the

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limitations of claim 1 are covered by the CPA, and the rejection is respectfully maintained as given below.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1,8, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yinger et al. (U.S. Patent 5,960,204) in view of Lucas et al. (U.S. Patent 6,865,737) further in view of Cheng et al. (U.S. Patent 6,151,643).

With respect to claims 1,8, and 15, Yinger discloses a method (column 1, line 49), computer readable medium (column 5, lines 8-12), and apparatus (Figure 1a, item 110a) to facilitate software installation using embedding user credentials, comprising:

Receiving a software installation package at a computer (column 6, lines 25-29);  
determining if a current user has sufficient privileges to run the installation program (column 6, lines 13-17);  
if the current user does not have sufficient privileges (column 10, lines 58-65),

recovering a set of user credentials that is associated with sufficient privileges to run the installation program from the software installation package (column 10 lines 58-65), and

authenticating to the computer using the set of user credentials (column 10, lines 53-58);

running the installation program on the computer (column 11, lines 31-34); and

wherein an error message is displayed if none of the plurality of sets of user credentials are associated with sufficient privileges to run the installation program from the software installation package (column 6 lines 17-23).

Yinger does not explicitly disclose a method , medium, and apparatus to facilitate software installation using embedded credentials, comprising:

extracting an installation program from the software installation package;

wherein the software installation package includes a plurality of sets of user credentials.

With respect to claims 1,8, and 15, Lucas discloses a method (column 3 lines 60-65), computer readable medium (column 3 lines 60-65), and apparatus (column 3 lines 26-30), to facilitate software installation using embedded user credentials, comprising:

extracting an installation program from the software installation package (column 15 lines 65-67 to column 16 lines 1-8);

recovering a set of user credentials that is associated with sufficient privileges to run the installation program from the software installation package (column 13 lines 10-28); and

running the installation program on the computer (column 14 lines 31-53);

wherein the software installation package includes a plurality of sets of user credentials (column 16, lines 10-13; column 13 lines 10-28; column 14 lines 31-62: the installation script uses both root privileges, minimal privileges and an encrypted signature to allow commands from the script to be executed and the installation to be transferred and executed. Thus if a command is not encrypted, the script is still able to recover user credentials, i.e. "root", to associate itself with sufficient privileges to have the script commands read and processed or use minimal privileges to transport it through the network.) It would have been obvious to one of ordinary skill in the art at the time of invention to have combined the teachings of Lucas with the teaches of Yinger in order to allow the master server to automate maintenance of other computers in the network (column 16, lines 14-17).

Yinger and Lucas do not explicitly disclose a method, computer readable medium, and apparatus, wherein the user credentials each include a user name and associated password. Cheng discloses a method, computer readable medium, and apparatus, wherein the user credentials each include a user name and an associated password (column 7 lines 5-25). It would have been obvious to one of ordinary skill in the art at the time of invention to have combined the teachings of Cheng with the combined

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teaches of Yinger and Lucas in order to ensure that only authorized users can obtain updates for the software products (column 7 lines 43-45).

With respect to claims 2, 9 and 16, Yinger discloses the method, medium and apparatus wherein the software installation package includes an agent (Figure 2, item 240), wherein the agent enforces security policies on the computer (column 6, lines 13-17).

With respect to claims 4, and 18, Yinger discloses a method, computer readable medium, and apparatus, further comprising:

recovering a second set of user credentials from the plurality of sets of user credentials if the set of user credentials failed during authentication (column 10 lines 58-65); and

authenticating to the computer using the second set of user credentials (column 10 lines 58-65).

With respect to claims 6, 13, and 20, Yinger discloses the method, medium, and apparatus wherein the software installation package is received over a network (column 4 lines 4-5).

With respect to claims 7, 14, and 21, Yinger discloses the method, medium, and apparatus wherein the software installation package is received on a storage medium (column 5 lines 8-12).

With respect to claim 23, Yinger does not explicitly disclose a method, computer readable medium, and apparatus, wherein the installation package is run from a remote computer without knowledge of the current user. Lucas discloses a method, computer readable medium, and apparatus, wherein the installation program is run from a remote computer without knowledge of the current user (column 14 lines 59-60; title of patent). It would have been obvious to one of ordinary skill in the art at the time of invention to have combined the teachings of Lucas with the teachings of Yinger in order to transfer the program over a network without requiring a password (column 14 lines 55-62).

4. Claims 5, 12, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yinger, Lucas and Cheng in view of Arnold (U.S. Patent 6,956,408).

Yinger, Lucas, Cheng and Arnold are analogous arts because they are in the field of software.

With respect to claims 5, 12, and 19, Lucas discloses that the set of user credentials is contained in the installation package (column 13 lines 10-28). Yinger and Lucas do not disclose the method, medium or apparatus wherein the set of user credentials is encrypted. Arnold discloses the method, medium and apparatus wherein the installation package (and hence the set of user credentials) is encrypted (column 6 lines 39-57). It would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the teachings of Arnold with the combined teachings of



Yinger and Lucas in order to prove that the data came from the manufacturer of the installed software (column 6 lines 54-57).

With respect to claim 25, Yinger discloses the method of claim 1, further comprising:

determining if a subsequent set of user credentials from the plurality of sets of user credentials are available in the software installation package if set of user credentials failed during authentication (column 10 lines 58-65); and

recovering the subsequent set of user credentials from the plurality of sets of user credentials included in the software installation package if it is determined that the subsequent set of user credentials is available (column 10 lines 58-65); and

authenticating a second time to the computer using the subsequent set of user credentials (column 10 lines 58-65).

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kaveh Abrishamkar whose telephone number is 571-272-3786. The examiner can normally be reached on Monday thru Friday 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KA  
12/05/2005

  
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